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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JOSEPH LEONE, individually and on behalf
all others similarly situated,

Plaintiff,

v.

S. TREZEVANT MOORE, JR.,
CHRISTOPHER J. ZYDA, ELEANOR
CORNFELD MELTON, RONALD VIERA,
DIMITRIOS PAPATHEOHARIS AND
LUMINENT MORTGAGE CAPITAL, INC.,

Defendants

No. C-07-04073-JCS

CLASS ACTION

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED PURSUANT TO CIVIL L.R.
3-12 AND 7-11**

Caption continues on following page.

1 ALLEN M. METZGER, on behalf of himself
2 and all others similarly situated,

3 Plaintiff,

4 v.

5 LUMINENT MORTGAGE CAPITAL, INC.,
6 GAIL P. SENECA, SEWELL TREZEVANT
MOORE, JR., and CHRISTOPHER J. ZYDA,

7 Defendants.
8

No. C-07-04686-MHP

CLASS ACTION

9 **TO THE COURT AND ALL PARTIES OF RECORD:**

10 **PLEASE TAKE NOTICE** that Allen M. Metzger, plaintiff in *Metzger v. Luminent*
11 *Mortgage Capital, Inc.*, Case No. C-07-04686-MHP, filed on September 11, 2007 ("*Metzger*"),
12 hereby moves this Court pursuant to Civil L.R. 3-12 and 7-11 to consider whether *Metzger* and the
13 following actions should be related to *Leone v. Moore*, C-07-04073 JCS ("*Leone*"), the low-
14 numbered case pending before the Honorable Joseph C. Spero, United States District Court Judge:

<u>CASE</u>	<u>CASE NO.</u>	<u>JUDGE ASSIGNED</u>	<u>FILED</u>
<i>Leone v. Moore</i>	C-07-04073-JCS	Joseph C. Spero	08/08/07
<i>Rosenbaum Capital LLC v.</i> <i>Luminent Mortgage Capital, Inc.</i> (" <i>Rosenbaum</i> ")	C-07-04096-SI	Susan Illston	08/09/07
<i>Howard J. Kaplowitz IRA v.</i> <i>Luminent Mortgage Capital, Inc.</i> (" <i>Kaplowitz</i> ")	C-07-04140-PJH	Phyllis J. Hamilton	08/10/07
<i>Greenberg v.</i> <i>Luminent Mortgage Capital, Inc.</i> (" <i>Greenberg</i> ")	C-07-04141-SBA	Sandra B. Armstrong	08/13/07
<i>PEM Resources LP v.</i> <i>Luminent Mortgage Capital, Inc.</i> (" <i>PEM</i> ")	C-07-04184-WHA	William H. Alsup	08/15/07

25 The allegations in *Metzger* reveal that this action is related to the actions filed in the
26 Northern District of California against Luminent Mortgage Capital, Inc. ("*Luminent*") and other
27 defendants, as listed above.
28

The *Metzger*, *Leone*, *Rosenbaum*, *Kaplowitz*, *Greenberg* and *PEM* actions concern substantially the same parties, property, transactions or events. All of these cases involve most of the same defendants: Luminent, Gail P. Seneca, Sewell Trezevant Moore, Jr. and Christopher J. Zyda. In addition, the above-named actions are all class actions brought on behalf of all persons and entities who purchased Luminent's publicly traded securities between October 10, 2006 and August 6, 2007, inclusive ("Class Period"), against Luminent and certain of its officers and directors for violations of the Securities Exchange Act of 1934. These class actions all allege that defendants made materially false and misleading statements regarding Luminent's business and financial results. Specifically, throughout the Class Period, defendants assured investors that Luminent's business was sound, that it made "high-quality" investments and that it had adequate liquidity. Defendants' false and misleading statements caused Luminent's stock price to be artificially inflated during the Class Period.

Further, it appears likely that there would be an unduly burdensome duplication of labor, expense and/or conflicting results if these cases were to proceed before different judges.

WHEREFORE, plaintiff requests that the Court enter an order relating *Metzger*, *Rosenbaum*, *Kaplowitz*, *Greenberg* and *PEM* to *Leone*, the low-numbered case, and that *Metzger*, *Rosenbaum*, *Kaplowitz*, *Greenberg* and *PEM* be reassigned to the Honorable Joseph C. Spero.

DATED: September 14, 2007

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By: _____

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